

REMARKS/ARGUMENTS

In the Office Action mailed May 23, 2007, claims 1-30 were rejected. Additionally, claim 3 was objected to. In response, Applicants hereby request reconsideration of the application in view of the amended claims and the below-provided remarks. No claims are added or canceled.

For reference, claims 1, 3, 15-17, and 28-30 are amended. In particular, claims 1, 15-17, and 28-30 are each amended to recite a plurality of wired and wireless networks. These amendments are supported, for example, by Figure 1 and the subject matter of the accompanying description in the specification. Claim 3 is amended to depend from claim 2.

Response to Claim Rejections

Claims 1-2, 5-30 were rejected under 35 U.S.C. 102(e) as being anticipated by Koyanagi et al. (U.S. Pat. No. 7,187,658, hereinafter Koyanagi). Additionally, claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koyanagi. However, Applicants respectfully submit that these claims are patentable over Koyanagi for the reasons provided below.

Independent Claim 1

Claim 1 recites a “network selection apparatus for inclusion within an electronic computing device to determine a best network service of a plurality of wired and wireless networks for the electronic computing device” (emphasis added) and “a network query module configured to query a first network for a plurality of first network characteristics and to query a second network for a plurality of second network characteristics” (emphasis added).

In contrast, Koyanagi does not disclose a network selection apparatus for inclusion within an electronic computing device to determine a best network service of a plurality of wired and wireless networks for the electronic computing device. Although Koyanagi generally describes determining the network paths, the paths do not include wired and wireless networks. Koyanagi merely describes wired network paths.

Therefore, Koyanagi does not disclose all of the limitations of the claim because Koyanagi does not disclose a plurality of wired and wireless networks.

Moreover, even if Koyanagi were to disclose a plurality of wired and wireless networks, Koyanagi nevertheless does not disclose a network query module configured to query a first network for a plurality of first network characteristics and to query a second network for a plurality of second network characteristics. Koyanagi merely describes receiving information about network paths. Koyanagi, col. 6, lines 25-29. However, receiving network information is not the same as querying a first network for a plurality of first network characteristics and querying a second network for a plurality of second network characteristics. In other words, Koyanagi is merely concerned with periodically receiving network information at a predetermined timeframe, whether or not the data is needed at that particular timeframe. In particular, Koyanagi is concerned with passively waiting for network information to arrive without any request for that data. In fact, Koyanagi appears to be silent with regard to using a network query module to query a first network for a plurality of first network characteristics and to query a second network for a plurality of second network characteristics. Therefore, Koyanagi also fails to disclose all of the limitations of the claim because Koyanagi does not disclose a network query module, as recited in the claim. Accordingly, Applicants respectfully submit that claim 1 is patentable over Koyanagi because Koyanagi does not disclose all of the limitations of the claim.

Independent Claims 15-17 and 28-30

Applicants respectfully assert independent claims 15-17 and 28-30 are not anticipated by Koyanagi at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, each of these claims recites a plurality of wired and wireless networks and/or querying first and second networks. Here, although the language of the claims differs from the language of claim 1 and the scope of the claims should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 apply also to the rejections of claims 15-17 and 28-30. Accordingly, Applicants respectfully assert claims 15-17 and 28-30 are patentable over Koyanagi because Koyanagi does not disclose a plurality of wired and wireless networks and/or querying first and second networks.

Dependent Claims 2, 5-14, 18-27, and 29

Claims 2-14 and 18-27 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 17. Applicants respectfully assert claims 2-14 and 18-27 are allowable based on allowable base claims. Additionally, each of claims 2-14 and 18-27 may be allowable for further reasons, as described below.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the proposed amendments and remarks made herein. A notice of allowance is earnestly solicited. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact the attorney listed below

Respectfully submitted,

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